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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,928	06/27/2001	George Mazereeuw	03DV-9049	8319
23465	7590	11/20/2003	EXAMINER	
JOHN S. BEULICK C/O ARMSTRONG TEASDALE, LLP ONE METROPOLITAN SQUARE SUITE 2600 ST LOUIS, MO 63102-2740			TANNER, HARRY B	
			ART UNIT	PAPER NUMBER
			3744	10
DATE MAILED: 11/20/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,928

Applicant(s)

MAZEREEUW, GEORGE

Examiner

Harry B. Tanner

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-26,28,29,31-36,38,39 and 41-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-3, 5-26, 28-29, 31-36, 38-39, 41-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


Claims 2, 5-7, 9-26, 28-29, 31-36, 38 and 47-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torimitsu in view of Gelber et al. Torimitsu discloses the invention substantially as claimed. Torimitsu discloses a control of a plurality of refrigerators/ freezers each having attached control devices 17 in communication with administrative computers/centers 100, 200 using signal transmission means 10A in order to transmit control and monitoring data. Gelber teaches the use of a radio frequency interface in order to provide wireless communication in a refrigeration system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Torimitsu such that it included the use of a radio frequency interface in order to provide wireless communication in the refrigeration system in view of the teachings of Gelber. The specific control and monitoring data transmitted between the refrigerators/ freezers and the administrative computers/centers is considered to have been obvious matters of engineering design choice based upon the specific installation and operating environments of the controlled refrigerators/ freezers.

Claims 2-3, 6, 8, 39 and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torimitsu in view of Efron et al. Torimitsu discloses the invention

substantially as claimed. Torimitsu discloses a control of a plurality of refrigerators/freezers each having attached control devices 17 in communication with administrative computers/centers 100, 200 using signal transmission means 10A in order to transmit control and monitoring data. Efron teaches the use of an infrared interface in order to provide wireless communication in a refrigeration system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Torimitsu such that it included the use of an infrared interface in order to provide wireless communication in the refrigeration system in view of the teachings of Efron. The specific control and monitoring data transmitted between the refrigerators/freezers and the administrative computers/centers is considered to have been obvious matters of engineering design choice based upon the specific installation and operating environments of the controlled refrigerators/ freezers.

Applicant's arguments with respect to claims 2-3, 5-26, 28-29, 31-36, 38-39, 41-69 have been considered but are moot in view of the new ground(s) of rejection.

Harry Tanner
November 19, 2003
703-308-2622



Harry B. Tanner
Primary Examiner